

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL DOCKET NO.: 5:04CV173-V**

GREGORY LYNN FULBRIGHT,)	
KAREN FULBRIGHT,)	
Plaintiffs,)	
)	
vs.)	<u>ORDER</u>
)	
THE LANE FURNITURE INDUSTRIES, INC.,)	
HEALTH CARE PLAN, and ROGER A.)	
BLAND, Plan Administrator,)	
Defendants.)	
<hr/>)	

THIS MATTER is before the Court on Plaintiffs' Motion For Summary Judgment, filed May 31, 2005. (Documents #17, #18) Plaintiffs' filing does not comport with the Pretrial Order and Case Management Schedule issued by the Magistrate Judge on April 6, 2005. (Document #16, Section "IV" at 6.) For this reason, the Court will defer ruling on Plaintiffs' motion pending written notification that the parties have attempted to settle this civil action via mediation as contemplated during the Initial Pretrial Conference and consistent with the local rules of the Western District. L.R. 16.2(A). Plaintiffs are cautioned that failure to abide by the Pretrial Order and Case Management Schedule may result in sanctions.

IT IS THEREFORE ORDERED that the Court hereby **DEFERS RULING** on Plaintiffs' Motion For Summary Judgment pending receipt of a mediator's report as contemplated by the Pretrial Order and Case Management Schedule issued April 6, 2005. Accordingly, Defendants do not need to respond at this time. Rather, Defendants' response period will begin to run immediately following submission of the mediator's report.

Signed: June 7, 2005

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is fluid and cursive, with the first name "Richard" and last name "Voorhees" clearly legible. The middle initial "L." is smaller and positioned between the first and last names.

Richard L. Voorhees
United States District Judge

